

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated December 2, 2008, (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the § 101 rejection of Claim 41, the Specification has been amended to remove an interpretation of the claimed medium as including non-physical media. The claimed medium is described in at least the paragraph at page 47, line 19 through page 48, line 2 of the original Specification as a memory device, which, for example, is a hard disk drive, diskette, optical disk, magnetic tape, or a semiconductor memory. While the claim language is believed to be properly directed to statutory subject matter, the claim has also been amended to indicate that the claimed medium is a storage medium. Since the Specification discloses storage of a computer program and provides examples of storage media that constitute statutory subject matter, Claim 41 is believed to be directed to statutory subject matter. Applicant accordingly requests that the rejection be withdrawn.

With respect to the § 112, first paragraph, rejection, Applicant respectfully traverses. Contrary to the assertion at page four, the original Specification describes that the claimed service provision infrastructure represents the infrastructure from which application servers may provide applications and services on a particular network (page 13, lines 13-16). The networks upon which the applications and services are provided are not necessarily the networks of the terminals (*e.g.*, wireless terminals vs. applications in the web domain, page 3, line 13 through page 4, line 7). This is further illustrated in Figs. 17 and 18 where the SPI interfaces with the service/content providers which are part of a network other than the GPRS operators of the terminals. In view of the examples above, the original Specification describes the service provision infrastructure interfacing with a second type of network system other than the type of network system of one or more terminals. Thus, the written disclosure clearly describes the claimed limitations, and the rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

With respect to the § 112, second paragraph, Applicant also respectfully traverses. The claims explicitly recite a first type of network system and a second type of network

system; therefore, since the network systems are of different types they are not the same network system. However, both types of network systems could be included in the claimed plurality of network systems since the plurality is not limited to any specific type of network system. The claim language clearly distinguishes a first and second type of network system where both may be included in the claimed plurality of network systems. Thus, the Examiner's interpretation of the claimed first and second types of network systems being the same network system is in contrast to the claim language and is incorrect. Applicant accordingly requests that the rejection be withdrawn.

Applicant respectfully maintains the traversal of each of the prior art rejections (§§ 102(e) and 103(a)), each of which is based upon the teachings of U.S. Patent No. 6,553,219 to Vilander *et al.* (hereinafter "Vilander"), because Vilander does not teach or suggest each of the claimed limitations. Specifically, the Office Action again fails to assert or present correspondence to several claim limitations of independent Claims 34, 38, and 39. For example, no teachings have been identified in Vilander that would correspond to providing a use authorization voucher to a visited network service broker associated with a visited network (*e.g.*, Claim 34), communicating between a home network service broker and a visited network service broker associated with a visited network, wherein the home network service broker serves as a proxy in accessing the service functionality available via the visited network (*e.g.*, Claim 38), and facilitating access by a service provision infrastructure to the service functionality available from a visited network via the loosely-coupled interface of the visited network service broker (*e.g.*, Claim 39). Without even an assertion of correspondence to each of the claimed limitations, the prior art rejections are improper.

Applicant further maintains that Vilander does not teach a network service broker comprising at least one terminal-coupled broker to communicate directly with one or more terminals, as claimed at least in independent Claims 1, 18, 30, 33, 40, and 41. While the cited base stations 5 of Vilander may communicate directly with terminal 9, the base stations have not been shown to be a network service broker with a loosely-coupled interface exposed to a service provision infrastructure. Rather, the base stations are taught

as only interfacing with a radio network controller. Also, a combination of Vilander's radio network controller with the base stations would not correspond to the claimed network service broker at least in that the radio network controller is a separate entity and does not comprise the base stations. Moreover, the base stations have not been shown to comprise a loosely-coupled interface, as claimed.

The multiple assertions that the interface inherently exists between the base stations and the access server in order for the two to communicate is unsupported and incorrect. First, no explanation or evidence has been provided in support of such an assertion. Applicant notes that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). Also, MPEP § 2112 states that "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). Second, while there may be an interface between the base stations and the access server, there is no suggestion that such an interface would be a loosely-coupled interface as claimed. Rather, the interface could be an Iub interface. Thus, the assertion of inherency is unsupported and fails to provide correspondence to each of the claimed limitations.

With particular respect to the § 102(e) rejection, Applicant notes that to anticipate a claim the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit also recently held that "Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim

within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” (Net Moneyin, Inc. v. Verisign, Inc., 545 F.3d 1359, 2008 WL 4614511 (Fed. Cir. 2008) quoting Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548 (Fed. Cir. 1983)). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Vilander does not teach every element of independent Claims 1, 18, 30, 33, 34, 38, 39, and 41 in the requisite detail and therefore fails to at least anticipate Claims 1, 2, 6, 8, 11, 18-22, 25, 27-39, and 41. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2, 6, 8, 11, 19-22, 25, 27-29, 31, 32, and 35-37 depend from independent Claims 1, 18, 30, and 34, respectively, and also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Vilander. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2, 6, 8, 11, 19-22, 25, 27-29, 31, 32, and 35-37 is improper, and Applicant requests that the rejection be withdrawn.

With further respect to the § 103(a) rejections of Claims 3-5, 9, 10, 12-17, 23, 24, 26, and 40 based upon modifications of Vilander with the teachings of 2003/0013434 by Rosenberg *et al.* (hereinafter “Rosenberg”) and U.S. Publication No. 2002/0154642 by Hagirahim *et al.* (hereinafter “Hagirahim”), Applicant respectfully maintains the traversal. As discussed above, Vilander fails to correspond to several of the claimed limitations of the independent claims. The further reliance on Rosenberg and Hagirahim does not overcome the above-discussed deficiencies in Vilander at least because neither reference has been shown to teach or suggest a network service broker, as claimed. Thus, the asserted combinations of the teachings of Vilander with Rosenberg and Hagirahim do not teach each of the limitations of Claims 3-5, 9, 10, 12-17, 23, 24, 26, and 40 and the rejections should be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.015CIP) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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